

REMARKS

Claims 1-36 are pending. Claims 1, 11, 20, 26 and 36 are independent.

The Examiner maintains his rejection of Claims 1-5, 7, 9-15, 18-31 and 33-36 under 35 U.S.C. 102(e) as being unpatentable by Reynolds as having been obvious. The Examiner notes that Applicant does not explain how its 1st broadcast stream and the separate 2nd media are different from the Reynolds disclosure. To further clarify, Applicant has amended the independent claims to clarify that insertion occurs without replacement of any meta data that may exist in the first broadcast stream.

More specifically, Reynolds discloses extracting the meta data from the broadcast and replacing it with the local meta data based upon the respective priorities. This results in a substitution - not an insertion as required by the independent claims. It is respectfully believed that the additional clarification of the phrase "without replacement of any meta data that may exist in the first broadcast stream" distinguishes Reynolds' substitutive disclosure. Hence, the Section 102 rejection is respectfully traversed and reconsideration is respectfully requested.

With regard to the rejections of Claims 6 and 16 in the prior Office Action, Applicant notes that they were rejected under 35 U.S.C. 103(a) as being unpatentable over Reynolds. It is believed that the amendments to independent Claims 1 and 11 render dependent Claims 6 and 16 allowable. Applicant further notes that while email is notoriously old, neither Reynolds nor Bullock teaches the email serving as a trigger to insert the media stream into the broadcast stream. Hence, reconsideration is respectfully urged.

The Examiner maintains the rejection of Claims 8, 17 and 32 under 35 U.S.C. 103(a) as being unpatentable over Reynolds in view of Bullock (U.S. 5,070,404). Specifically, the Examiner notes that although Reynolds does not disclose using a pilot tone or watermark as priority indicators, Bullock discloses the use of

cue code wherein each cue code comprises four DTMF tones as Indicator. The Examiner states that it would have been obvious to one skilled in the art to modify Reynolds with Bullock to take the advantage of the uniqueness of each cue code for determining the presence of the stored data having an identifier corresponding to the cue signal and for providing an indication to the user of the presence of the stored data.

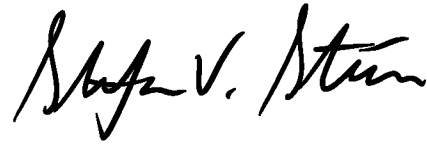
As noted above , Reynolds teaches substitution pf meta data whereas the claimed invention comprises insertion without replacement of any preexisting meta data. Claims 8, 17 and 32 depend upon, and add further limitations to, claims 1, 11 and 26. Accordingly, claims 8, 17 and 32 are not rendered obvious by Reynolds and Bullock, whether taken separately or in combination.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

The Commissioner is hereby authorized to charge any additional fees which may be required at any time during the prosecution of this application without specific authorization,

or credit any overpayment, to Deposit Account No. 50-1667.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Stefan V. Stein". The signature is fluid and cursive, with the first name "Stefan" and last name "Stein" clearly distinguishable.

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